

**IN THE CLAIMS**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1 – 2 (Cancelled)

3. (Previously Presented) The device of claim 21 wherein the magnets are permanent magnets.

4 – 6 (Cancelled)

7. (Currently Amended) The device as claimed in claim 21 wherein the latch device includes a moving device actuated by the actuator for moving the moveable magnet.

8. (Previously Presented) The device as claimed in claim 7 wherein there is provided a retention arrangement for temporarily retaining the moveable magnet following movement thereof by the moving device.

9. (Currently Amended) The device as claimed in claim ~~8-7~~ further including wherein the actuator is part of a user-accessible slider mechanism which is coupled to the moving device.

10. (Previously Presented) The device as claimed in claim 9 wherein the slider mechanism includes an engagement element to engage with the latch member and move the latch member against the biasing effect of the biasing device.
11. (Currently Amended) The device as claimed in claim 10 wherein the biasing device is a spring, ~~which biases the latch member to the non-latching position.~~
12. (Currently Amended) The device as claimed in claim 9 wherein the ~~slider mechanism includes a user accessible actuating element, which~~actuator is moveable to unlatch the latch, the ~~actuating element~~actuator being moveable in the direction in which a closure element, such as a window, is moveable toward an open position.
13. (Previously Presented) he device as claimed in claim 21 wherein the device is of a construction that is attachable to the vertical side of a sliding sash of a window whereby when the sash is moved to its closed position the latch device self actuates under the action of the magnets, thereby locking the sash into the closed position.
14. (Currently Amended) The device as claimed in claim 13 in combination with a hung window sash wherein ~~a~~ said self latching device is attached to or mounted with each vertical side of the hung sash.
- 15 – 18 (Cancelled)
19. (Previously Presented) The window sash as claimed in claim 22 wherein one magnet is movable to a position where it is repulsed by the other magnet and thereby driven into a retainer.

20. (Cancelled)

21. (Currently Amended) A self latching device for securing a first member with respect to a second member, the first member being moveable with respect to the second member, the self latching device including:

a strike configured to be mounted on the second member;

a latch member configured to be mounted on the first member, the latch member being movable between a latching position in which the latch member extends from a body of the latching device so as to engage the strike -and a retracted non-non-latching position, the latch member when in the latching position being engaged with a strike;

a biasing device to bias the latch member into one of said latching and non-latching positions; and

magnets for moving the latch member into the other of said latching and non-latching positions, the magnets including a fixed magnet associated with the strike and a moveable magnet associated with the latch member, one of said magnets is fixed in position and the other is moveable, the moveable magnet being moveable in a direction transverse to the direction in which the latch member moves between the latching and non-latching positions; and

-an actuator mechanically linked to the moveable magnet to cause movement of the moveable magnet out of alignment with the fixed magnet to allow movement of the latch member from the latching position to the non-latching position.

22. (Currently Amended) A window sash mounted for vertical sliding movement in a frame, the sash including vertical side elements in each of which is located a self latching latch device which ~~has~~ includes:

a latch member moveable between a latching position and a non-latching position, the latch member, when in the latching position, extending from a body of the latch device to being engaged in a strike located with a portion of the frame which is adjacent the vertical side element of the sash;

a biasing device to bias the latch member into ~~one of said latching and non-latching positions;~~

a moveable magnets associated with the latch member for moving the latch member into engagement with the strike when the sash has moved to a position where latching of the sash is to occur, the latch member moving into the latching position by attraction between the moveable magnet and a cooperating magnet associated with the strike;

an operating elementactuator which, in use, is moveable by a person moving the sash from a latched position to effect movement of the latch member from its latching position to its non-latching position, the operating elementactuator being movable in a direction which corresponds to the direction in which the sash is to move away from the latched position, the magnets include two magnets one mounted with the strike and the other with the latch member, whereby the latch member is moved into the latching position by attraction between the magnets and the actuator being mechanically linked to a moving device for causing movement of the moveable magnet, thereby causing a misalignment of the two magnets allowing a shearing action between the magnets to occur whereby the latch member can be moved to move to the non-latching position.

23. (Currently Amended) The window sash as claimed in claim 19 wherein the operating elementactuator is part of a slider mechanism operable to unlatch the latch device.
24. (Previously Presented) The window sash as claimed in claim 23 wherein the slider mechanism includes an engagement element to engage with the latch member and move the latch member against the biasing effect of the biasing device.
25. (Currently Amended) The window sash as claimed in claim 24 wherein the biasing device is a spring, ~~which biases the latch member to a non-latching position.~~
26. (Currently Amended) A window sash as claimed in claim 24 wherein ~~one of said magnets is fixed in position and the other is movable, the movable magnet being~~ is movable in a direction transverse to the direction in which the latch member moves between the latching and non-latching positions.
27. (Previously Presented) The window sash of claim 26 wherein the magnets are permanent magnets.
28. (Cancelled)

29. (Previously Presented) The window sash as claimed in claim 28 wherein the latch device includes a moving device for moving the movable magnet.
30. (Currently Amended) The device as claimed in claim 21 wherein the strike includes a plurality of pockets or recesses into a selected one of which the fixed magnet can be located.
31. (Currently Amended) The device as claimed in claim ~~21~~30 wherein the ~~strike-fixed magnet~~ is located in a carriage which is adjustably mounted in the strike.
32. (Currently Amended) The device as claimed in claim ~~30-31~~ wherein there is provided a disengagable locating arrangement for locating the carriage in an adjusted position.
33. (Previously Presented) The device as claimed in claim 32 wherein the strike is a moulded one piece body in which the carriage is mounted, the body incorporating clips for clip mounting of the strike in an opening window frame.
34. (Previously Presented) The device as claimed in claim 7 wherein the moving device includes a rack and toothed gear drive coupling the slider mechanism to a magnet carrier.
35. (Previously Presented) The device as claimed in claim 34 wherein the toothed gear includes a spigot slidingly engaged with a curved guide of the slider mechanism to translate sliding movement of the slider mechanism into a rotary motion of the toothed gear.
36. (Previously Presented) The device as claimed in claim 7 wherein the moving device is a disk mounted for rotary movement, the disk having at least one spigot engaged with a profiled guide in the slider mechanism whereby sliding movement of the slider mechanism is translated into rotary movement of the disk.
37. (Previously Presented) The device as claimed in claim 36 wherein the disk includes a further spigot engaged in a slot in a slidingly mounted magnet pusher.

38. (Currently Amended) The device as claimed in claim ~~36-37~~ wherein the movable magnet is movably located in a recess into which the pusher locates whereby movement of the slider mechanism is transmitted to the pusher to move the movable magnet in the recess.
39. (Currently Amended) The device as claimed in claim ~~37-8~~ wherein the ~~retainer-retention arrangement~~ is an angled recess communicating with the recess in which movable magnet is moved by the pusher, the angled recess being located at or near the limit of movement of the pusher.
40. (Previously Presented) The device as claimed in claim 38 wherein the slider mechanism is biased by a slider mechanism biasing device to return to the position from which it has moved to effect unlatching of the device.
41. (Previously Presented) The device as claimed in claim 32 wherein the slider mechanism biasing device is a spring.
42. (New) A window sash mounted for vertical sliding movement in a frame, the sash including vertical side elements in at least one of which is located a self latching latch device which includes:
- a latch member movable between a latching position in which the latch member is positioned to extend from a body of the latching device so as to engage a strike located with a portion of the frame which is adjacent the vertical side element of the sash and a retracted non-latching position;
  - a biasing device to bias the latch member into said non-latching position;
  - a moveable magnet associated with the latch member for moving the latch member into said latching position, by attraction between the moveable magnet and a cooperating magnet associated with the strike, the moveable magnet being moveable in a direction transverse to the direction in which the latch member moves between the latching and non-latching positions; and
  - an actuator mechanically linked to a moving device for causing movement of the moveable magnet, thereby causing a misalignment of the two magnets allowing movement of the latch member from the latching position to the non-latching position.